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VIA FACSIMILE

August 18, 2008

Irene K. Dymkar, Esq.
300 West Adams Street, Ste. 330
Chicago, Illinois 60606

Re: Hadnott v. City of Chicago, et al. 07 C 6754

Dear Ms. Dymkar:

Pursuant to the Court's order dated August 12, 2008, you were to inform the defendants whether or not the plaintiffs would be attending the deposition of Officer Kelly. This was to ensure that they had an opportunity to identify the alleged officer prior to the deposition by way of a photographic array, which would include Kelly's photo. As the Court explained, this is so plaintiffs would not have the unfair advantage of seeing Officer Kelly prior to the plaintiffs depositions without having first identifying him.

You informed Attorney Reich this afternoon that not all of your clients will be attending the deposition. The Court order (see attached) states if plaintiffs are to attend the deposition, that the plaintiffs are to review the array before the start of the deposition. In discussing the matter further with the Court, the spirit of the order makes it clear that either *all* of the plaintiffs attend the deposition *or* that *none* of them shall be permitted to do so without first viewing the photo array. Fewer than all plaintiffs attending Officer Kelly's deposition will result in the same prejudice as if no photo array had been conducted at all.

Please note that if fewer than all four plaintiffs seek to attend the deposition tomorrow, those who do travel to Kankakee will not be allowed to attend the deposition, and their time will be wasted.

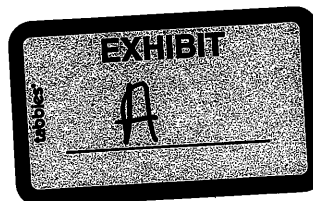
Regards,

A.C. Kosztya

Ashley C. Kosztya
Assistant Corporation Counsel
(312) 744-6922

Gail Reich

ACC Gail Reich
Assistant Corporation Counsel
(312) 744-1975



**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.2.1
Eastern Division**

Jonathan Hadnott, et al.

Plaintiff,

v.

Case No.: 1:07-cv-06754

Honorable David H. Coar

City of Chicago, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Tuesday, August 12, 2008:

MINUTE entry before the Honorable Sidney I. Schenkier: Motion hearing held. Plaintiffs motion to compel Mr. Kelly to take deposition (doc. # 59) is granted in part. Mr. Kelly is directed to appear for his deposition by 8/21/08. By 5:00 pm on 8/13/08, plaintiffs counsel is to inform defense counsel, if the deposition of Officer Kelly proceeds, if plaintiffs are to attend the deposition. If plaintiffs are not to attend the deposition, then defense counsel does not have to provide a photographic array of the officers. If plaintiffs are to attend the deposition of Officer Kelly, defense counsel must provide plaintiffs counsel with a photographic array of not more than 10 pictures, one of the pictures has to be of Officer Kelly, and no other defendants picture is to be included in the photographic array. The photographs should indicate the officers age, weight, and height. The photographs are to be made available for the plaintiffs review at the deposition sight. The plaintiffs are directed to review the photographic array before the start of the deposition of Officer Kelly, and indicate if they recognize any of the officers as one of those they encountered. Mailed notice(mmm,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at www.ilnd.uscourts.gov.

MESSAGE CONFIRMATION

AUG-18-2008 03:47 PM MON

FAX NUMBER : 3127446566
 NAME : IDL

NAME/NUMBER : 98533489
 PAGE : 3
 START TIME : AUG-18-2008 03:46PM MON
 ELAPSED TIME : 00' 32"
 MODE : STD ECM
 RESULTS : [O.K]

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Comments: Please see attached letter.

To:	Irene K. Dymkar	Fax No:	312-853-3489
Date:	August 18, 2008	Pages:	3, including cover sheet
From:	ACC Ashley C. Koszya & ACC Gail Reich	Direct No:	312-744-6922
Subject:	Hadnott v. City of Chicago, et al. 07 C 6754		

Fax Transmission
 City of Chicago - Department of Law
 30 North LaSalle Street, Chicago, Illinois 60602
 Fax: 312-744-3989

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To:	Irene K. Dymkar	Fax No:	312-853-3489
Date:	August 18, 2008	Pages:	2, including cover sheet 2
From:	ACC Ashley C. Kosztya & ACC Gail Reich	Direct No:	312-744-6922
Subject:	Hadnott v. City of Chicago, et al. 07 C 6754		

Comments: Please see attached letter, without attachments and w/ ACC Kosztya's signature.

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NAME/NUMBER : 985333489
PAGE : 2
START TIME : AUG-18-2008 03:51PM MON
ELAPSED TIME : 00'20"
MODE : STD ECM
RESULTS : [O.K]

FAX NUMBER : 3127446566
NAME : IDL

AUG-18-2008 03:51 PM MON

MESSAGE CONFIRMATION

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City of Chicago - Department of Law
30 North LaSalle Street, Chicago, Illinois 60602

Fax: 312-744-3989

To:	Irene K. Dymkar	Fax No:	312-853-3489
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Comments: Please see attached letter without attachments and w/ ACC Kosztys's signature.

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JONATHAN HADNOTT, JESSIE
HADNOTT, KEVIN HUNT, and
BRANDELL BETTS,

Plaintiffs,

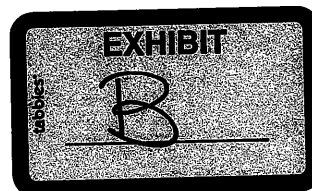
vs.

MICHAEL KELLY, MARC JAROCKI,
PATRICK GILMORE, and CITY OF
CHICAGO,

Defendants.

No. 07 C 6754

Excerpt of the deposition of MICHAEL KELLY
called by the Plaintiffs for examination, pursuant to
notice and pursuant to the Federal Rules of Civil
Procedure for the United States District Courts
pertaining to the taking of depositions, taken before
Kelly A. Siska, Certified Shorthand Reporter and
Notary Public in and for the County of LaSalle, State
of Illinois, at 150 North Indiana Street, Kankakee,
Illinois, commencing at 12:00 o'clock p.m. on the 19th
day of August, A.D., 2008.



1 APPEARANCES:

2 LAW OFFICES OF IRENE K. DYM KAR
3 MS. IRENE K. DYM KAR
4 300 West Adams Street
Chicago, Illinois 60606
Phone: (312) 345-0123

5 On behalf of the Plaintiffs;

6 ASSISTANT CORPORATION COUNSEL
7 MS. GAIL REICH
8 30 North LaSalle Street
Suite 1400
Chicago, Illinois 60602
Phone: (312) 744-1975

9 On behalf of the Defendant,
10 Michael Kelly;

11 ASSISTANT CORPORATION COUNSEL
12 MS. ASHLEY C. KOSZTYA
13 30 North LaSalle Street
Suite 1020
Chicago, Illinois 60602
Phone: (312) 744-6922

14 On behalf of the Defendant,
15 City of Chicago.

1 (whereupon, proceedings were had
2 which were not transcribed at
3 this time.)

4 MS. KOSZTYA: To make the record clear, Counsel
5 was asking Mr. Kelly questions regarding physical
6 descriptions of Mr. Jarocki as well as Mr. Gilmore and
7 went over a description of certain types of police
8 vehicles. Once again, I'm just going to ask Counsel
9 whether or not she plans on disseminating this
10 information to her clients.

11 MS. DYM KAR: I'm not being deposed.

12 MS. KOSZTYA: Pardon me?

13 MS. DYM KAR: I'm not being deposed.

14 MS. KOSZTYA: Are you going to answer the
15 question?

16 MS. DYM KAR: I'm not being deposed.

17 MS. KOSZTYA: So you're not answering the
18 question.

19 MS. DYM KAR: I'm done. Thank you.

20 MS. KOSZTYA: We would like to put the
21 information regarding the physical descriptions of all
22 three defendants as well as the description of the
23 vehicles under seal.

24 MS. DYM KAR: No. It can't go under seal unless

1 all sides agree.

2 MS. KOSZTYA: Are you agreeing to it or
3 disagreeing?

4 MS. DYM KAR: I'm not agreeing.

5 MS. REICH: We're asking that you agree to keep
6 it all under seal.

7 MS. DYM KAR: I will follow all court orders, and
8 the deposition is not over.

9 MS. KOSZTYA: And we are asking you not to
10 disseminate any information to your clients regarding
11 the physical descriptions of the defendants or of the
12 vehicles. We'd also like to call Judge Brown right
13 now. Do you have any objection to us calling Judge
14 Brown?

15 MS. DYM KAR: Yes. I'm not going to be part of
16 that conversation.

17 MS. REICH: By my understanding of Counsel's
18 statement, she is refusing to keep this information
19 regarding the physical characteristics of Officer
20 Kelly, Officer Jarocki, and Officer Gilmore as well as
21 the vehicles under seal and to keep that information
22 to herself. We have attempted -- we've made a good
23 faith attempt to come to an agreement regarding this
24 issue in light of the court order entered by Judge

1 Schenkier on August 12th, 2008, and Counsel will not
2 agree. Therefore, we find it necessary to call Judge
3 Brown on this matter immediately.

4 The one remaining issue is regarding --

5 MS. DYM KAR: You cannot call Judge Brown unless
6 all parties consent.

7 MS. REICH: I don't really think that that's the
8 case, Counsel. To the contrary, you call the judge
9 because you cannot consent -- because you cannot agree
10 to anything.

11 The one remaining thing is whether Officer
12 Kelly reserves or waives his signature. In light of
13 the fact that he is departing and is going to be
14 deployed to Afghanistan, this poses a bit of a dilemma
15 should the transcript of this deposition be ordered.
16 To that extent, we are reserving signature, although I
17 would like to make it very clear on the record that
18 should this transcript be ordered that Officer Kelly
19 will not have the opportunity to review the transcript
20 for any errors and create an errata sheet until his
21 return from Afghanistan. And so, therefore, I ask
22 that that requirement be reserved until such time as
23 he returns and has 30 days to review it from it being
24 tendered to him.

1 MS. KOSZTYA: I have nothing further.

2 MS. DYM KAR: He'll get whatever rights he has
3 under the law.

4 MS. REICH: And also for the record, this matter
5 will be stayed as to Officer Kelly as of August 21st,
6 2008. I think that does it.

7 (Whereupon, proceedings were had
8 which were not transcribed at
9 this time.)
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1 STATE OF ILLINOIS)
2 COUNTY OF LaSALLE) SS.

3
4 I, Kelly A. Siska, Certified Shorthand
5 Reporter and Notary Public, do hereby certify that on
6 the 19th day of August, A.D., 2008, the deposition of
7 the witness, MICHAEL KELLY, called by the Plaintiffs,
8 was taken before me, reported stenographically, and
9 was thereafter reduced to typewriting under my
10 direction.

11 The said deposition was taken at 150 North
12 Indiana Street, Kankakee, Illinois, and there were
13 present counsel as previously set forth.

14 The said witness, MICHAEL KELLY, was first
15 duly sworn to tell the truth, the whole truth, and
16 nothing but the truth, and was then examined upon oral
17 interrogatories.

18 I further certify that the foregoing is an
19 excerpt of the questions asked of and answers made by
20 the said witness, MICHAEL KELLY, at the time and place
21 hereinabove referred to.
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23
24

1 The signature of the witness, MICHAEL KELLY,
2 was reserved by agreement of counsel.

3 The undersigned is not interested in the
4 within case, nor of kin or counsel to any of the
5 parties.

6 Witness my official signature and seal as
7 Notary Public in and for LaSalle County, Illinois, on
8 this 19th day of August, A.D., 2008.

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14
15
16 _____
KELLY A. SISK, CSR
205 West Randolph Street
Suite 510
Chicago, Illinois 60606
Phone: (312) 236-6936

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18
19 CSR No. 084-002761
20
21
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23
24